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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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04/22/2005

Bryan Salt

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04/28/2010

MEYERTONS, HOOD, KIVLIN, KOWERT & GOETZEL, P.C.

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EXAMINER

MIRZA, ADNAN M

ART UNIT

PAPER NUMBER

2445

NOTIFICATION DATE

DELIVERY MODE

04/28/2010

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary	Application No. 10/501,488	Applicant(s) SALT, BRYAN	
	Examiner ADNAN MIRZA	Art Unit 2445	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 July 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 52-117 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 52-117 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 13 July 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>07/13/2004</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. The instant application 10501488 has a total of 65 claims pending in the application; there are 15 independent claims and 50 dependent claims, all of which are ready for examination by the examiner. This office action is in response to the applicant's claims filing date 07/13/2004.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 52-117 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chatani et al (U.S. 7,363,384) and further in view of Puller et al (U.S. 2002/0091840).

As per claims 52,65,78,91,104-115 Chatani disclosed a method for sending a processed image, comprising at least one element, from a server to a client for construction and display, said method comprising: determining the parameters for data transfer from the server to the client (col. 2, lines 62-67); determining the capabilities of the client; determining the task requirements (col. 3, lines 1-3);

However Chatani did not disclose apportioning the processing between the server and the client for each element to meet the task requirement.

In the same field of endeavor Pulier disclosed the MPH sniffer module is a client-side application that is triggered at step 106 by user access of the streaming media web page. It calculates the current bandwidth from the client machine to the web page server, checks to see whether the client has the necessary components required to experience the streaming media etc. The information gathered by the sniffer module gives the MPH process an initial of where to start in the provider selection process. Processing continues non FIG. 3 as shown by the continuation indicator 108 (Page. 2, Paragraph. 0017).

It would have been obvious to one having ordinary skill in the art at the time of the invention was made to have incorporated the MPH sniffer module is a client-side application that is triggered at step 106 by user access of the streaming media web page. It calculates the current bandwidth from the client machine to the web page server, checks to see whether the client has the necessary components required to experience the streaming media etc. The information gathered by the sniffer module gives the MPH process an initial of where to start in the provider selection process. Processing continues non FIG. 3 as shown by the continuation indicator 108 as taught by Pulier in the method and system of Chatani to reduce latency and optimizing communication between the client and

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the server.

2. As per claims 53,66,79,92 Chatani-Pulier disclosed wherein said parameters for data transfer from said server to said client include at least one of: the transmission bandwidth of said server; the reception bandwidth of said client; the bandwidth of said data channel; the transmission protocol employed between said server and said client; and the accessibility of the channel employed between said server and said client (Chatani, col. 6, lines 27-36).

3. As per claims 54,67,80,93 Chatani-Pulier disclosed wherein said capabilities of said client include at least one of: the data processing speed of said client; the available memory of said client; the size of display in said client; and the data processing software available within said client (Chatani, Col. 6, lines 48-56).

4. As per claims 55,68,81,94 Chatani-Pulier disclosed wherein said task requirements comprise at least one of: the maximum time from transmission to display of the image; and the minimum display resolution of the image (Chatani , col. 9, lines 48-56).

5. As per claims 56,69,82,95 Chatani-Pulier disclosed wherein each element can be constructed for display using a selectable one of a plurality of processing options, said method including selecting an option that meets the task

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requirements (Chatani , col. 9, lines 25-35).

6. As per claims 57,70,83,96 Chatani-Pulier disclosed wherein said selecting of said processing option includes at least one of: measuring the time to execute at least one of the plurality of options; calculating the time to execute at least one of the plurality of options; a combination of measuring the time to execute at least one of the plurality of options and calculating the time to execute at least one of the plurality of options (Chatani , col. 9, lines 25-35).

7. As per claims 58,71,84,97 Chatani-Pulier disclosed wherein said construction of an element can comprise at least one of: clothing a coarse mesh with a simple texture; clothing a fine mesh with a simple texture; clothing a coarse mesh with a complex texture; clothing a fine mesh with a complex texture; clothing a surface with a complex texture; clothing a surface with a simple texture; and clothing a surface with a three dimensional panel (Chatani, col. 10, lines 1-14).

8. As per claims 59,72,85,98 Chatani-Pulier disclosed wherein said apportioning of the processing between said server and said client includes allocating the location for each action in the construction of an element (col. 6, lines 14-26).

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9. As per claims 60,73,86,99 Chatani-Pulier disclosed wherein said determining of said capabilities of said client includes the interrogation of said client by said server (col. 6, lines 14-26).

10. As per claims 61,74,87,100 Chatani-Pulier disclosed wherein said interrogation of said client includes said client informing said server of said client's abilities (Chatani, Col. 6, lines 48-56).

11. As per claims 62,75,88,101 Chatani-Pulier disclosed wherein said determining of said capabilities of said client can include reference, by said server, to a list of client characteristics for a plurality of different types of client (Chatani , col. 9, lines 48-56).

12. As per claims 63,76,89,102 Chatani-Pulier disclosed wherein said meeting of task requirements includes: falling within the minimum time to execute; and being the fastest to execute (col. 8, lines 12-17).

13. As per claims 64,77,90,103 Chatani-Pulier disclosed wherein said server is a server in a mobile telephone system, and said client is a mobile telephone device (col. 4, lines 44-48).

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14. As per claim 116 Chatani-Pulier disclosed wherein at least one of said portions is a frame and at least one further portion is a texture to cover the frame (Chatani, col. 9, liens 45-56).

15. As per claim 117 Chatani-Pulier disclosed said method further comprising: an analysing the image to be sent into the portions (Chatani, col. 9, liens 45-56).

16. **Examiner's notes:** Examiner has cited particular columns and line numbers in the reference(s) applied to the claims above for the convenience of the applicant. Although the specified citations are representative of the teachings of the art and are applied to specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant in preparing responses, to fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the Examiner. In the case of amending the claimed invention, Applicant is respectfully requested to indicate the portion(s) of the specification which dictate(s) the structure relied on for proper interpretation and also to verify and ascertain the metes and bounds of the claimed invention.

Conclusion

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17. Any inquiry concerning this communication or earlier communication from the examiner should be directed to Adnan Mirza whose telephone number is (571)-272-3885.

18. The examiner can normally be reached on Monday to Friday during normal business hours. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, SRIVASTAVA VIVEK can be reached on (571)-272-7304. The fax for this group is (703)-746-7239. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

19. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for un published applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at (866)-217-9197 (toll-free).

/ADNAN MIRZA/

Examiner, Art Unit 2445